

Tuesday, April 02, 2013

The Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, met in regular session at 9:00 AM.

PRESENT: Supervisors: Frank R. Mecham, Bruce S. Gibson, Adam Hill, Debbie Arnold and Chairperson Paul A. Teixeira

ABSENT: None

THE PLEDGE OF ALLEGIANCE IS LED BY CHAIRPERSON PAUL A. TEIXEIRA.

Consent Agenda – Review and Approval:

1-18. This is the time set for consideration of the Consent Agenda.

Chairperson Teixeira: opens the floor to public comment.

The action taken for Consent Agenda items 1 through 18 on the following vote is indicated for each item.

Motion by: Adam Hill
Second by: Bruce S. Gibson

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Teixeira, Paul A. (Chairperson)	x			
Gibson, Bruce S. (Vice-Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)	x			
Arnold, Debbie (Board Member)	x			

Bid Opening:

1. Letter transmitting plans and specifications (Clerk’s File) for 2013 Chip Seal, Various Roads, San Luis Obispo County, for Board approval and advertisement for construction bids. The recommended bid opening date is Thursday, April 25, 2013. Districts 1, 2, 5.

Mr. Jeff Werst – Public Works Department: amends this item to clarify a discrepancy in the bid opening date.

This item is amended to clarify a discrepancy in the bid opening date. The correct bid opening date is Thursday, May 2, 2013 not Thursday, April 25, 2013. Further, the Board approves as recommended by the County Administrative Officer and as amended by this Board.

Consent Agenda - Auditor - Controller Items:

2. Submittal of the cash procedures and internal control review of the Health Agency conducted on July 23, 25, and 26, 2012.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Board of Supervisors Items:

3. Submittal of a resolution proclaiming April 3, 2013 as "National Walking Day" in San Luis Obispo County.

Mr. Eric Greening: speaks.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-

60, adopted.

Consent Agenda - General Services Agency Items:

4. Request to approve a contract with ARCADIS of California, LLC (Clerk's File) to provide Construction Management Services not to exceed \$2,142,052 for the Women's Jail Expansion project located at 1065 Kansas Avenue, San Luis Obispo.

The Board approves as recommended by the County Administrative Officer.

5. Submittal of a resolution adopting the Pre-Qualification Program for General Contractors and Sub-Contractors, pursuant to Public Contract Code Section 20101 to be used for the Women's Jail Expansion Project and Juvenile Hall Expansion Project.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-61, adopted.

6. Request to approve a temporary waiver of deed restriction on Port San Luis Harbor District's parking lot at First and San Francisco Streets in Avila Beach. District 3.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Health Agency Items:

7. Request to approve an amendment to the agreement between the County and Sierra Vista Regional Medical Center designating Sierra Vista as a Level III Trauma Center, to extend the original term of the Agreement from June 30, 2013 to October 31, 2013 and amend the renewal language, with all other provisions remaining the same.

The Board approves as recommended by the County Administrative Officer.

8. Request to approve a renewal contract (Clerk's File) with the State Department of Health Care Services for a five year period from May 1, 2013 through April 30, 2018 in the amount not to exceed \$65,088,983, naming the County as the Mental Health Plan for purposes of providing specialty mental health services to Medi-Cal beneficiaries of San Luis Obispo County.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Planning & Building Items:

9. Submittal of a resolution approving a new land conservation contract for Willow Creek Newco, LLC; pursuant to the California Land Conservation Act of 1965. District 1.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-62, adopted.

10. Request to approve an agreement with SWCA Environmental Consultants in the amount of \$92,580 (includes optional tasks) to prepare an Environmental Impact Report (EIR), for the Dana Adobe Nipomo Amigos Land Use Ordinance Amendment and Conditional Use Permit. District 4.

Mr. Brian Pedrotti – Planning and Building: amends the exhibits to the agreement.

This item is amended to correct the labeling of the exhibits to the agreement to read Exhibit A and B not Exhibit 1 and 2. Further, the Board approves as recommended by the County Administrative Officer and as amended by this Board.

Consent Agenda - Public Works Items:

11. Request to approve Amendment No. 1, authorizing additional compensation of \$7,730, to the professional services agreement with Omni Means, for engineering services for the US 101 South County Corridor Study. District 4.

The Board approves as recommended by the County Administrative Officer.

12. The following maps have been received and have satisfied all their conditions of approval that were established in public hearings on their tentative maps: A. Tract 2982, a proposed subdivision resulting in 5 lots, by Michael C. Dacey, Oceano, District 4; 1. Act on the attached resolution to accept the Avigation Easement; and B. Parcel Map CO 05-0113, a proposed subdivision resulting in 4 lots by James M. and Nancy A. Davis and John Klimala, Nipomo, District 4.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-63, adopted.

Consent Agenda Public Works - Board Sitting as Flood Control District:

13. Request approval of an agreement among the Department of Water Resources of the State of California, San Luis Obispo County Flood Control and Water Conservation District, and Central Coast Water Authority for Construction, Operation and Maintenance of the Shandon Turnout, required for implementation of the County Service Area No. 16 State Water Turnout Project, Shandon. District 1.

The Board approves as recommended by the County Administrative Officer.

14. Request to approve committee appointments to the Water Resources Advisory Committee of the Flood Control and Water Conservation District. All Districts.

The Board approves as recommended by the County Administrative Officer.

15. Submittal of a resolution for the San Luis Obispo County Flood Control and Water Conservation District - Zone 3 Advisory Committee appointing Karen Bright for City of Grover Beach; Lori Angelo and Mary Lucey (Alternate) for Oceano Community Services District. District 3 and 4.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-64, adopted.

Consent Agenda - Sheriff - Coroner Items:

16. Request to approve the use of Citizen's Options for Public Safety (COPS) Programs funds, approve a corresponding budget adjustment of \$216,325 in Fund Center (FC) 136 – Sheriff-Coroner and submittal of a resolution to add a 1.00 FTE Correctional Technician position to the PAL in FC 136 – Sheriff-Coroner.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-65, adopted.

Consent Agenda - Social Services Items:

17. Request to approve the appointment of Shirley Wright to fill a vacant Homeless/Formally Homeless seat and Christina Bearce to fill a vacant Business seat on the Homeless Services Oversight Council (HSOC).

The Board approves as recommended by the County Administrative Officer.

18. Submittal of a resolution to transfer Local Child Care Planning Council contracts to the Community Action Partnership of San Luis Obispo.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-66, adopted.

Public Comment Period:

19. This is the time members of the public wishing to address the Board on matters other than scheduled items.

Mr. Eric Greening: speaks to the potential dangers of the upcoming Southern California drones airspace testing; and the Trans-Pacific Partnership (TPP) negotiations.

Mr. Tom Salmon: presents and discusses a letter from Lisa Van Heuver to the Board regarding Sunny Acres.

Mr. Bruce Deile: addresses issues regarding court ordered Alcoholics Anonymous meetings using religious factors.

Mr. Jeff Edwards, Ms. Julie Tacker, Ms. Linde Owen, Mr. Ben DiFatta and Mr. Richard Margetson: address various comments and concerns relating to the LOWWP.

Mr. Tom Dawson: speaks to Agenda 21, Smart Growth and Sustainable Development.

Mr. Fred Collins - Northern Chumash Tribal Council Tribal Administrator: thanks Supervisor Gibson for his recent facilitating efforts in Los Osos; and provides a brief overview of their upcoming projects.

Mr. Dave Flynn - Public Works: responds to Supervisor Mecham's questions regarding Consent Agenda Item No. 11. **No action taken.**

Board Committee Reporting:

20. This is the time set for Board Members to report on various committee activities.

Board Members: comment on their committee activities with the San Luis Obispo Council of Governments (SLOCOG); the Fire Safe Council; the Pension Trust Board; the Committee for Veteran’s Stand Down; the Latino Outreach Council (LOC); the Independent Peer Review Panel; the Economic Vitality Corporation (EVC); the Air Pollution Control District (APCD); and the South County Area Transit (SCAT) Board. Additionally, Supervisor Arnold, states she has been getting updates on various County issues, including the bidding process for the new library in Atascadero. Furthermore, Supervisor Gibson, comments on the chip seal treatment issues on Highway 1, North of Cambria; Supervisor Hill, announces the 2nd Annual SLO Marathon on April 5th through the 7th and the Amgen Tour of California in May; and Supervisor Mecham, comments on Monterey County’s Crop Value Report, which includes additional agricultural inventory data, and suggests implementing a similar format.

Chairperson Teixeira: opens the floor to public comment.

Mr. Richard Margetson: speaks. **No action taken.**

Board Business:

21. Presentation and update on Juvenile Hall Expansion Project located at 1065 Kansas Avenue, San Luis Obispo.

Chairperson Teixeira: opens the floor to public comment without response and receives and files the presentation on the current status of the Juvenile Hall Expansion Project. **No action taken.**

Closed Session Items:

22. The Board announces they will be going into Closed Session regarding:

I. PENDING LITIGATION (Government Code, section 54956.9.) It is the intention of the Board to meet

in closed session concerning the following items:

- A. Conference with Legal Counsel-Existing Litigation (Government Code, section 54956.9(a).) (Formally initiated) 1. Nipomo Parks Conservancy v. County of San Luis Obispo; 2. Concerned Landowners in the Paso Robles Groundwater Basin v. County of San Luis Obispo; 3. Coast National Bank v. County of San Luis Obispo.
- B. Conference with Legal Counsel-Anticipated Litigation (Government Code, section 54956.9.) 4. Significant exposure to litigation (Government Code, section 54956.9(b).) No. of cases 2. Facts and circumstances not known to potential plaintiff which indicate significant exposure to litigation. 5. Initiation of litigation (Government Code, section 54956.9(c).) No. of cases 2.

Chairperson Teixeira: opens the floor to public comment without response.

Thereafter, pursuant to the requirements of the Brown Act, County Counsel reports out on the items discussed during Closed Session as follows: no report required as no final action was taken and the Board goes into Open Public Session.

Presentations:

23. Submittal of a resolution commending Doug Bird upon his retirement after 29 years with the County of San Luis Obispo. All Districts.

Mr. Doug Bird: speaks.

RESOLUTION NO. 2013-67, a resolution commending Douglas C. Bird upon his retirement after 29 years of public service with the County of San Luis Obispo in the Public Works Department, adopted.

Motion by: Frank R. Mecham
Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Teixeira, Paul A. (Chairperson)	x			
Gibson, Bruce S. (Vice-Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)	x			
Arnold, Debbie (Board Member)	x			

24. Submittal of a resolution proclaiming April 2013 as "Sexual Assault Awareness Month" and April 27, 2013 as "Walk a Mile in Her Shoes Day" in San Luis Obispo County.

Ms. Jennifer Adams - North County Woman's Shelter Resource Center and Sexual Assault Recovery and Prevention Center Executive Director (brochures): speaks.

RESOLUTION NO. 2013-68, a resolution proclaiming April 2013 as “Sexual Assault Awareness Month” and April 27th as “Walk a Mile in Her Shoes Day” in San Luis Obispo County, adopted.

Motion by: Frank R. Mecham
Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Teixeira, Paul A. (Chairperson)	x			
Gibson, Bruce S. (Vice-Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)	x			
Arnold, Debbie (Board Member)	x			

Board Business Continued:

25. Request approval of a work plan for repairing the Cecchetti Road Low Water Crossing and direction to staff to implement, Arroyo Grande. District 4.

Chairperson Teixeira: opens the floor to public comment without response.

The Board approves the Cecchetti Road Low Water Crossing work plan near Arroyo Grande; and directs the Public Works Transportation Division to make the repairs to the Cecchetti Road Low Water Crossing in accordance with the approved work plan.

Motion by: Debbie Arnold
Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Teixeira, Paul A. (Chairperson)	x			
Gibson, Bruce S. (Vice-Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)	x			
Arnold, Debbie (Board Member)	x			

Hearings:

26. Hearing to consider an appeal by Corral De Piedra Company (Waste Connections, Inc.) of the Hearing Officer's decision to approve Minor Use Permit DRC 2012-00030. District 3.

Ms. Carol Florence – Oasis Associates, Applicant’s Agent (powerpoint): speaks.

Chairperson Teixeira: opens the floor to public comment.

Ms. Margaret McQuade - Earth Systems Pacific Chief Operations Officer and Mr. Bill Worrell: speak.

Ms. Whitney McDonald – Deputy County Counsel: reads into the record minor changes to the resolution, findings and conditions. The Clerk questions if the title of the resolution will also need to be amended, with County Counsel responding yes.

The Board upholds the appeal filed by Corral De Piedra Land Company (Waste Connections, Inc.); amends the resolution by adding to the title the words “in part and reversing in part” after the word “affirming”; by replacing the word “denied” with “upheld” in the 5th paragraph; and by adding “in part and reversed in part” after the word “affirmed” in the 5th paragraph and in No. 4. Additionally, the Board amends Exhibit A – Findings, by removing “and because the project is conditioned to address neighborhood concerns regarding noise from returning trucks in the afternoon” from Finding E.; and amends Exhibit B – Conditions of Approval, by removing Condition No. 1c. Furthermore, RESOLUTION NO. 2013-69, a resolution affirming in part and reversing in part the decision of the Hearing Officer and conditionally approving the application of Corral De Piedra Land Company (Waste Connections, Inc.) for Minor Use Permit DRC 2012-00030, based on the Findings in Exhibit A and the Conditions of Approval in Exhibit B, adopted as amended.

Motion by: Adam Hill
Second by: Bruce S. Gibson

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Teixeira, Paul A. (Chairperson)	x			
Gibson, Bruce S. (Vice-Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)	x			
Arnold, Debbie (Board Member)	x			

On motion duly made and unanimously carried, the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, does now adjourn.

I, **JULIE L RODEWALD**, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors of the County of

San Luis Obispo, and ex-officio clerk of the governing body of all other special assessment and taxing districts for which said Board so acts, do hereby certify that the foregoing is a fair statement of the proceedings of the meeting held Tuesday, April 02, 2013, by the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts.

JULIE L RODEWALD, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors

By: /s/ Annette Ramirez, Deputy Clerk-Recorder

DATED: April 3, 2013